

REMARKS

Claims 1 and 9 are amended, no claims are canceled, and claims 18-20 are added; as a result, claims 1-20 are now pending in this application.

§102 Rejection of the Claims

Claims 1-8 were rejected under 35 USC § 102(b) as being anticipated by Veilleux (U.S. Patent No. 5,664,393 "Veilleux").

Applicant respectfully traverses this rejection of claims 1-8.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. Independent claim 1 recites in part:

“... said laminated panel structure being formed of a series of elongated planks adhesively secured edgewise to one another and extending vertically between said lower and upper chords. . . .”

In contrast, Veilleux recites “All the boards used in the laminated panels 16, 18 and 20 are preferably disposed at an angle of 30°. . . .” Col. 2, lines 40-41. Thus, Veilleux does not teach each element of claim 1 at least because Veilleux does not teach a series of elongated planks extending vertically between the lower and upper chords. Thus, Applicant respectfully submits that independent claim 1 is allowable in its original form.

However, Applicant has amended claim 1 to clarify the claim. Applicant respectfully submits that claim 1 now clearly provides a joist adapted capable of being sawed off at any length to form an insert to block the ends of a truss between upper and lower chords of the truss. Applicant can not find this feature in Veilleux.

Thus, Applicant respectfully submits that claim 1 is in allowable form and request reconsideration and allowance of amended independent claim 1.

Claims 2 – 8 depend, directly or indirectly, on claim 1 and are patentable over Veilleux for the reasons argued above, plus the elements in the claims. Applicant respectfully requests reconsideration and allowance of dependent claim 2 – 8.

§103 Rejection of the Claims

Claims 7-17 were rejected under 35 USC § 103(a) as being unpatentable over Veilleux (U.S. Patent No. 5,664,393 "Veilleux") in view of Peters (U.S. Patent No. 4,336,678 "Peters").

The fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. Further, the Office Action must provide specific, objective evidence of record for a finding of a suggestion or motivation to combine reference teachings and must explain the reasoning by which evidence is deemed to support such a finding. The Office Action on page 3 asserts:

"At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Veilleux's invention with Peter's teaching for rectangular shaped panels. The motivation for doing so would provide more variety of shape appearances for particular application."

Applicant respectfully traverses this assertion as a mere conclusory statement of subjective belief. Applicant further traverses the assertion as to the motivation to combine. The requirement of a suggestion or motivation to combine references in a prima facie case of obviousness is emphasized in the Federal Circuit opinion, *In re Sang Su Lee*, 277 F.3d 1338; 61 U.S.P.Q.2D 1430 (Fed. Cir. 2002), which indicates that the motivation must be supported by evidence in the record. Thus, applicant respectfully submits that the Office Action has not provided objective evidence for a suggestion or motivation to combine the references.

Applicant further traverses the rejection because even if the references are properly combined, the resulting combination fails to teach or suggest each and every claim element.

For example, independent claim 1, from which claims 7 and 8 depend, recites in part:

"... said laminated panel structure being formed of a series of elongated planks adhesively secured edgewise to one another and extending vertically between said lower and upper chords ..."

In contrast, as stated above, Veilleux recites, "All the boards used in the laminated panels 16, 18 and 20 are preferably disposed at an angle of 30°. . . ." Col. 2, lines 40-41. Further, Peters is provided for the purposes of showing a panel having upper and lower width equal defining a continuous rectangular shape throughout the longitudinal direction of the joist. However, Applicant is unable to locate in Peters where the laminated panel structure is formed of a series of elongated planks adhesively secured edgewise to one another is described.

Further, Applicant respectfully submits again that claims 7 and 8 depend from allowable independent claim 1 and are therefore allowable as well.

With respect to independent claim 9, the combination of Veilleux in view of Peters fails to teach or suggest all the elements of the claim. For example, claim 9 recites in part:

“ . . . a laminated structure joining said chords; said laminated panel structure defining an uninterrupted surface having opposite lower and upper edges joined to said lower and upper chords respectively; said laminated panel structure being formed of a series of elongated planks adhesively secured edgewise to one another; said laminated panel structure having a width equal to the width of said lower and upper chords thereby defining a continuous rectangular shaped cross-section throughout the longitudinal direction of said joist.”

Applicant respectfully submits that neither Veilleux nor Peters teaches or suggests, alone or in combination, a laminated panel structure defining an uninterrupted surface formed of a series of elongated planks secured edgewise to one another. Thus, the combination of Veilleux in view of Peters fails to teach or suggest each and every element of the claims.

Accordingly, applicant respectfully submits that claims 7 – 17 are allowable over Veilleux in view of Peters because there is no suggestion or motivation of record to combine the references and the references, even if properly combined, fail to teach or suggest each and every element of claims 7 – 17. Applicant respectfully requests reconsideration and withdrawal of the rejections of claim s 7-17.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-349-9587) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

ROBERT VEILLEUX ET AL.

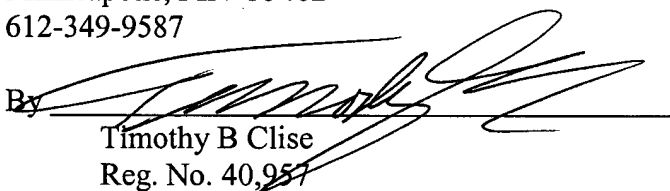
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27 June '02

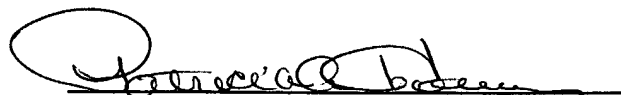
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